

REMARKS

In the Non-Final Office Action, Examiner Fan objected to and rejected claims 1-30, 33, 35, 36 and 38 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration under 37 C.F.R. §1.116:

- A. Examiner Fan rejected claims 27 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,373,861 B1 to *Lee*, and objected to dependent claim 6 as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The Applicant has amended independent claim 27 herein to recite the limitations of the allowable subject matter of objected dependent claim 6. Withdrawal of the rejection of independent claim 27 under 35 USC §102(e) as being anticipated by *Lee* is therefore respectfully requested.

Claim 28 depends from independent claim 27. Therefore, dependent claim 28 includes all of the elements of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claim 28 is allowable over *Lee* in view of *Letaief* for at least the same reasons as set forth with respect to independent claim 27 being allowable over *Lee*. Therefore, withdrawal of the rejection of dependent claim 28 under 35 USC §102(e) as being anticipated by *Lee* is therefore respectfully requested.

- B. Examiner Fan rejected claims 1-5, 8, 13-18, 21 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,373,861 to *Lee* in view of U.S. Patent No. 6,202,178 to *Spruyt* or in view of U.S. Patent No. 6,829,296 to *Troulis* et al. or in view of U.S. Patent No. 6,654,431 to *Barton*, and objected to dependent claims 6 and 19 as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The Applicant has amended independent claims 1 and 14 herein to recite the limitations of the allowable subject matter of dependent claims 6 and 19, respectively.

Withdrawal of the rejection of independent claims 1 and 14 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* is therefore respectfully requested.

Claims 2-5, 8 and 13 depend from independent claim 1. Therefore, dependent claims 2-5, 8 and 13 include all of the elements of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5, 8 and 13 are allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton*. Therefore, withdrawal of the rejection of dependent claims 2-5, 8 and 13 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* is therefore respectfully requested.

Claims 15-18, 21 and 26 depend from independent claim 14. Therefore, dependent claims 15-18, 21 and 26 include all of the elements of independent claim 14. It is therefore respectfully submitted by the Applicant that dependent claims 15-18, 21 and 26 are allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* for at least the same reasons as set forth with respect to independent claim 14 being allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton*. Therefore, withdrawal of the rejection of dependent claims 15-18, 21 and 26 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* is therefore respectfully requested.

- C. Examiner Fan rejected claims 7 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,373,861 to *Lee* in view of U.S. Patent No. 6,202,178 to *Spruyt* or in view of U.S. Patent No. 6,829,296 to *Troulis* et al. or in view of U.S. Patent No. 6,654,431 to *Barton* and in further view of U.S. Patent No. 5,960,032 to *Letaief* et al.

Claim 7 depends from independent claim 1. Therefore, dependent claim 7 includes all of the elements of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 7 is allowable over *Lee* in view of *Letaief* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Lee*.

Therefore, withdrawal of the rejection of dependent claim 7 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* is therefore respectfully requested.

Claim 20 depends from independent claim 14. Therefore, dependent claim 20 includes all of the elements of independent claim 14. It is therefore respectfully submitted by the Applicant that dependent claim 20 is allowable over *Lee* in view of *Letaief* for at least the same reasons as set forth with respect to independent claim 14 being allowable over *Lee*. Therefore, withdrawal of the rejection of dependent claim 20 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Letaief* is therefore respectfully requested.

- D.** Examiner Fan rejected claims 9, 10, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,373,861 to *Lee* in view of U.S. Patent No. 6,202,178 to *Spruyt* or in view of U.S. Patent No. 6,829,296 to *Troulis* et al. or in view of U.S. Patent No. 6,654,431 to *Barton* and in further view of U.S. Patent No. 5,960,032 to *Thomas* et al.

Claims 9 and 10 depend from independent claim 1. Therefore, dependent claims 9 and 10 include all of the elements of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 9 and 10 are allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Thomas* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton*. Therefore, withdrawal of the rejection of dependent claims 9 and 10 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Thomas* is therefore respectfully requested.

Claims 22 and 23 depend from independent claim 14. Therefore, dependent claims 22 and 23 include all of the elements of independent claim 14. It is therefore respectfully submitted by the Applicant that dependent claims 22 and 23 over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Thomas* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton*. Therefore, withdrawal of the rejection of dependent

claims 22 and 23 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Spruyt* or in view of *Troulis* or in view of *Barton* in further view of *Thomas* is therefore respectfully requested.

- E. Examiner Fan rejected claims 29, 30, 33 and 36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,719,899 to *Lee* et al. in view of “A Programmable Architecture for OFDM-CDMA”, IEEE paper to *Chen* et al.

The Applicant has amended independent claim 29 herein to recite the limitations of the allowable subject matter of objected dependent claim 6. Withdrawal of the rejection of independent claim 29 under 35 USC §103(a) as being unpatentable over *Lee* in view of *Chen* is therefore respectfully requested.

Claims 30, 33 and 36 depend from independent claim 29. Therefore, dependent claims 30, 33 and 36 include all of the elements of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 30, 33 and 36 are allowable over *Lee* in view of *Chen* for at least the same reasons as set forth with respect to independent claim 29 being allowable over *Lee* in view of *Chen*. Therefore, withdrawal of the rejection of dependent claims 30, 33 and 36 under 35 USC §102(b) as being unpatentable over *Lee* in view of *Chen* is therefore respectfully requested.

- F. Examiner Fan rejected claim 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,719,899 to *Lee* et al. in view of “A Programmable Architecture for OFDM-CDMA”, IEEE paper to *Chen* et al. and in further view of U.S. Patent no. 5,960,032 to *Letaief* et al.

Claim 35 depends from independent claim 29. Therefore, dependent claim 35 includes all of the elements of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claim 35 is allowable over *Lee* in view of *Chen* and in further view of *Letaief* for at least the same reasons as set forth with respect to independent claim 29 being allowable over *Lee* in view of *Chen*. Therefore, withdrawal of the rejection of

dependent claim 35 under 35 USC §102(b) as being unpatentable over *Lee* in view of *Chen* and in further view of *Letaief* is therefore respectfully requested.

- G. Examiner Fan rejected claim 38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,719,899 to *Lee et al.* in view of “A Programmable Architecture for OFDM-CDMA”, IEEE paper to *Chen et al.* and in further view of U.S. Patent no. 6,826,240 to *Thomas et al.*

Claim 38 depends from independent claim 29. Therefore, dependent claim 38 includes all of the elements of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claim 38 is allowable over *Lee* in view of *Chen* and in further view of *Thomas* for at least the same reasons as set forth with respect to independent claim 29 being allowable over *Lee* in view of *Chen*. Therefore, withdrawal of the rejection of dependent claim 38 under 35 USC §102(b) as being unpatentable over *Lee* in view of *Chen* and in further view of *Thomas* is therefore respectfully requested.

- H. Examiner Fan objected to dependent claims 11, 12, 24 and 25 as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The Applicant has rewritten dependent claims 11 and 24 in independent claim including the limitations of independent claims 1 and 14, respectively, as amended herein, and including the limitations of cancelled dependent claims 12 and 25, respectively. Allowance of new independent claims 11 and 24 is therefore respectfully requested.

SUMMARY

The Applicant respectfully submits that the pending claims as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Fan is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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